
From: Rossmiller, Alexander (USANYS) <Alexander.Rossmiller@usdoj.gov>
Sent: Monday, October 24, 2022 4:59 PM
To: Lustberg, Lawrence S; Valen, Thomas R.; Mulligan, Mary; Haggerty, Timothy
Cc: Thomas, Andrew (USANYS); Podolsky, Matthew (USANYS); Sassoon, Danielle (USANYS)
Subject: RE: United States v. Hwang, et al., 22 Cr. 240 (AKH) -- pending issues

Counsel,

We write to follow up on a few outstanding issues and requests.

With respect to your additional question regarding metadata, we respectfully refer you to our letter of August 16, 2022, and note that the government has produced all received metadata within the fields we identified in the letter and has endeavored to include in the produced load files all metadata fields containing information. For audio files specifically, we have not withheld any relevant audio files received from third parties and have produced the raw metadata files applying to those files. As you note, there is variability of metadata included in the productions across producing parties. Nevertheless, because there are a large number of potential metadata fields, in an abundance of caution and as a courtesy, please let us know if you believe that you are missing any particular fields and we will confirm with our vendor whether any such data exists. Similarly, the government has provided all trading data currently in its possession. We also will continue to comply with our disclosure obligations as we continue to gather additional evidence on an ongoing basis.

Regarding the letter from counsel to Mr. Hwang dated October 18, 2022, inquiring about certain documents, we have reviewed our records as to the ranges specified. We note as a threshold matter that none of the documents have been "withheld," and with the exception of one set of 32 documents further described below, we believe all other identified documents were either already produced or are not currently in the government's possession.

Certain of the ranges you identify are documents apparently produced to the CFTC, specifically: DB ARCH CFTC 00016000-17246 and MUFG-Archeros-CTFC-007647, 7660-7665, 7658-7659, and 7666-7670. We do not appear to be in possession of those documents from the CFTC. However, as a courtesy, we will request that CFTC provide those ranges to us and will produce them to you promptly when we receive them.

With respect to the documents identified as UBSARCH0245893-245925, although we intended to produce those documents, we are not able to identify corresponding SDNY Bates numbers; accordingly, we are immediately producing them in their native format. You will receive a link via email from one of our paralegals shortly. We will also additionally produce those materials with SDNY Bates numbers as soon as they can be exported from our vendor.

We believe that the remaining documents were produced under the following identifiers:

MIZU-0000001-00470: SDNY_P001_0005167550-5168019
MIZ 0043767-48046: SDNY_P001_0005163270-5167549
MIZU 0048047: SDNY_P001_0005168020
MIZU 0048048-50: SDNY_P002_0000387736-38

MUFG-Archeros-SEC-0007729-7733 (produced to SEC): SDNY_P001_0006302327-331

Trading data identified in a UBS cover letter dated March 16, 2022: SDNY_002_00000384-85

However, to the extent you did not receive those documents in our productions, or believe the documents above are identified in error, please let us know and we will promptly confer with you to resolve any outstanding questions.

With respect to your various requests for a bill of particulars, the government respectfully refers you to its detailed letter of August 18, 2022 (Dkt. 38), as well as the Indictment and discovery in this case, which provide far more than adequate notice of the charges against the defendants.

Finally, the government does not possess any *Brady* material relating to the guilty plea allocutions of William Tomita or Scott Becker.

We believe those were the outstanding requests and questions from both Mr. Hwang and Mr. Halligan. However, if there are remaining issues, we are available at your convenience to confer by phone to address any remaining or follow-up issues.

Best,
Alex

Alex Rossmiller
Assistant U.S. Attorney
Southern District of New York
212.637.2415